

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS (DALLAS)
CIVIL DOCKET FOR CASE #: 3:24-cv-02920-E-BN**

Case Information:

- Case Number: 3:24-cv-02920-E-BN
- Assigned to: Judge Ada Brown
- Referred to: Magistrate Judge David L. Horan
- Date Filed: 11/20/2024
- Jury Demand: Plaintiff
- Nature of Suit: 890 Other Statutes: Other Statutory Actions
- Cause: 28:1331 Fed. Question
- Case in other court: 191st District Court for Dallas County, Texas, DC-24-18870

Plaintiff:

Robert Allen Bautista
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Dallas, TX 75313
702-501-9639
Email: rbrbtst16@gmail.com
(Pro Se)

Defendants:

Gexa Energy LP
Represented by: Robert Henry Ford
Bradley Arant Boult Cummings
600 Travis Street, Suite 5600
Houston, TX 77002
713-576-0356
Fax: 713-576-0301
Email: rford@bradley.com
(Lead Attorney)

NextEra Energy Inc
Represented by: Robert Henry Ford
(See above for address)
(Lead Attorney)

**MOTION TO COMPEL DEFENDANTS TO PROVIDE GAAP-COMPLIANT FINANCIAL
STATEMENTS AND ALL ACCOUNT INFORMATION, INCLUDING ORIGINAL
APPLICATION FOR SERVICE FOR ACCOUNT 36290713**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **ROBERT ALLEN BAUTISTA**, Plaintiff in the above-styled and numbered case, and files this Motion to Compel Defendants, **GEXA ENERGY LP** and **NEXTERA ENERGY INC.**, to provide all requested documents, including GAAP-compliant financial statements for any and all accounts related to Plaintiff, and the original application for service for electricity account number 36290713, in a timely manner. In support thereof, Plaintiff respectfully shows the Court as follows:

I. BACKGROUND

1. **Discovery Request:** As part of Plaintiff's discovery efforts, on 09/20/2024, Plaintiff requested the following documents from Defendants:
 - **Request for Production No. 01:** "Please provide all financial statements for any and all accounts related to Plaintiff, including but not limited to electricity account number 36290713. These financial statements should be in compliance with Generally Accepted Accounting Principles (GAAP)."
 - **Request for Production No. 02:** "Please provide a copy of the original application for service for electricity account number 36290713, along with any amendments or alterations to that original application."
2. **Defendants' Response:** Defendants have failed to provide the requested documents, including:
 - Financial statements that comply with GAAP.
 - The original application for service for electricity account number 36290713.
3. **Attempts to Resolve:** Plaintiff has attempted to resolve this matter informally by contacting Defendants on 09/20/2024, requesting compliance with the discovery requests. However, as of the filing of this motion, Defendants have failed to comply.

II. LEGAL STANDARD

4. Under **Rule 192** of the Texas Rules of Civil Procedure, a party must provide all requested documents that are within their possession, custody, or control. This includes documents necessary for the fair and efficient resolution of the case.
5. Under **Rule 193**, documents must be provided in a timely manner. Specifically, financial records and supporting documentation for all accounts, including account application records, are required to be produced as part of discovery when requested.

6. The failure to provide timely and accurate documentation in compliance with discovery requests hinders Plaintiff's ability to pursue and prove their claims, as these records are essential for evaluating the nature and extent of Defendants' actions and Plaintiff's resulting damages.
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III. ARGUMENT

7. **Need for GAAP-Compliant Financial Statements:** Plaintiff's request for GAAP-compliant financial statements for any and all accounts, including account 36290713, is both reasonable and necessary for Plaintiff to substantiate their claims. These records will allow Plaintiff to assess the financial records of Defendants and identify any fraudulent conduct or misrepresentations made.
 8. **Original Application for Service:** The original application for service for electricity account 36290713 is an essential document that would confirm the terms under which the account was established. It is critical to the case because it may reveal discrepancies between the original terms and any changes made to the agreement without Plaintiff's consent.
 9. **Timely Production of Documents:** Plaintiff respectfully requests that Defendants be ordered to produce the requested documents, including the GAAP-compliant financial statements and the original application for service for account 36290713, within **ten (10) days** of the Court's order. The delay in production has already caused undue hardship and is prejudicing Plaintiff's ability to fully evaluate their claims and prepare for trial.
 10. **Failure to Comply with Discovery Requests:** Defendants' failure to provide the requested documents violates Texas discovery rules and has caused unnecessary delay. This motion seeks to compel compliance and ensure Plaintiff can proceed with their claims without further hindrance.
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IV. RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that the Court:

1. Compel Defendants to produce:
 - GAAP-compliant financial statements for all accounts related to Plaintiff, including but not limited to electricity account number 36290713.
 - A copy of the original application for service for electricity account number 36290713, including any amendments or alterations.
 2. Order that these documents be provided within ten (10) days of the Court's order to ensure timely and efficient resolution of the case.
 3. Award Plaintiff any and all costs and attorney's fees incurred as a result of Defendants' failure to comply with discovery requests.
 4. Grant such other and further relief as the Court deems just and proper.
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V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court compel Defendants to provide the requested documents within the specified time frame, and grant Plaintiff any further relief to which they may be entitled.

WITHOUT RECOURSE
Pay to the Order of: ROBERT
ALLEN BAUTISTA
By: /s/ Robert Allen Bautista/agent

Robert Allen Bautista/attorney-in-fact

Respectfully submitted,

ROBERT ALLEN BAUTISTA

Attorney-in-Fact for Plaintiff

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702-501-9639

Email: rbrbtst16@gmail.com

Pro Se

DATED this **25th** day of November, 2024.

CERTIFICATE OF CONFERENCE

I hereby certify that on **11/21/2024**, I conferred with counsel for Defendants regarding this motion. Despite good faith efforts to resolve the matter, the parties were unable to reach an agreement.

ROBERT ALLEN BAUTISTA

Attorney-in-Fact for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Compel was served on counsel for Defendants, **Robert H. Ford**, Attorney-in-Charge, on **11/25/2024**, by email.

ROBERT ALLEN BAUTISTA

Attorney-in-Fact for Plaintiff